REMARKS

In the Office Action, the Examiner rejects Claims 1-31 under 35 U.S.C. § 102(b) as being anticipated by Templeton et al. (U.S. Patent No. 5,679,940). The Applicant is familiar with and has carefully reviewed the Templeton et al. reference and respectfully notes that Templeton et al. fails to disclose each and every aspect of the Applicant's claimed invention of the subject application.

More particularly, the Applicant notes that Claim 1, for example, recites "a system for reevaluating risk in financial transactions, the system comprising: a risk-scoring engine that evaluates risk in an original financial transaction … wherein the risk-scoring engine uses a first scoring model to assess the risk of the original financial transaction and provides a signal indicating that the promissory payment by the customer in the original financial transaction be declined when the risk exceeds a preselected threshold; a decision overturn scoring engine that reevaluates the decline using a second scoring model, wherein the overturn scoring engine classifies the risk of overturning the original decline and provides an overturn classification signal indicative thereof; and a customer service module that receives the overturned classification signal from the overturn scoring engine and provides the signal to a customer service representative…" (Claim 1 as currently amended).

Similarly, Claim 13 of the subject application recites "a method of evaluating the risk of accepting a promissory payment … the method comprising … evaluating the transaction information to assess the risk of accepting the promissory payment … declining to accept the promissory payment when the evaluation of the transaction information indicates that the assessed risk of accepting the promissory payment exceeds a selected threshold; transmitting the decline to accept the promissory payment to the point of sale; performing a decision overturn evaluation using an overturn engine to classify the risk associated with overturning the original decline to accept the promissory payment; and transmitting the classification of the risk associated with overturning the original decline to a customer service representative…" (Claim 13 as currently amended).

Claim 24 recites "a system for determining whether to overturn an original decision to decline a promissory payment in a financial transaction, the system comprising: an overturn scoring engine that receives data about the promissory payment and financial transaction,

wherein the overturn scoring engine evaluates a number of factors contained within the data to obtain an overturn score and wherein the overturn scoring engine classifies the overturn score into one of a plurality of classifications and generates a classification signal indicative thereof..." (Claim 24 as originally filed).

In contrast, Templeton et al. teaches, for example, "communicating a first transaction packet from the transaction terminal to the authorization host system....The transaction terminal there communicates a second transaction packet, which contains the additional information, to the authorization host system." (Col. 4, ll. 21-35). Templeton et al. also teaches "the authorization host computer transmits a request for additional information to the transaction terminal. The authorization host computer then receives a second transaction packet that includes the additional information, and applies the risk-scoring algorithm to at least a portion of the additional information, which results in a second transaction score" (Col. 5, ll. 22-28).

The Applicant respectfully notes, however, that Templeton et al. '940 fails to disclose, for example, a decision overturn scoring engine that reevaluates the decline, declining to accept the promissory payment, transmitting the decline to accept the promissory payment to the point of sale, performing a decision overturn evaluation and transmitting the classification of the risk associated with overturning the original decline to a customer service representative, or "an overturn scoring engine that receives data about the promissory payment and the financial transaction, wherein the overturn scoring engine evaluates a number of factors contained within the data to obtain an overturn score and wherein the overturn scoring engine classifies the overturn score into one of a plurality of classifications and generates a classification signal indicative thereof." Thus, as the Templeton et al. '940 reference fails to disclose each and every element of the Applicant's claimed invention, the Applicant respectfully notes that the subject application is patentable under the requirements of 35 U.S.C. § 102(b) in light of the Templeton et al. reference. The Applicant respectfully requests that the rejection of Claims 1-31 be withdrawn.

Further, Applicant notes for the record that the claims of the present application are different and may be broader in scope than the claims in any related patent or application. To the extent that any statements made in a related case (such as amendments or characterizations regarding the scope of a claim or prior art) could be construed as a disclaimer of any subject

matter supported by the present disclosure, Applicant rescinds and retracts such disclaimer. Accordingly, any listed or referenced prior art may need to be re-visited. Further, any objections or rejections made by the Examiner in the issued and allowed cases identified above may need to be re-visited.

Although the present communication may include alterations to the application or claims, Applicant is not conceding that the previously pending claims are not patentable over the art of record. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserve the right to later pursue any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

The Applicant thus believes that the subject application is in a condition ready for allowance and respectfully requests prompt issuance of a notice of allowability. The Applicant believes that this paper fully addresses the objections made by the Examiner in the Office Action, however should there remain any further impediment to the allowance of this application that might be resolved by a telephone conference, the Examiner is respectfully requested to contact the Applicant's undersigned representative at the indicated telephone number.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: July 26, 2007

By: _____
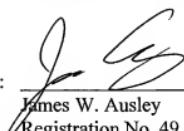
James W. Ausley
Registration No. 49,076
Attorney of Record
Customer No. 20,995
(951) 781-9231

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